



Federal Emergency Management Agency

Washington, D.C. 20472

DEC 6 2002

The Honorable Scott B. Gudes
Deputy Under Secretary for
Oceans and Atmosphere
Department of Commerce
Washington, DC 20230

Re: Millennium Pipeline Company appeal

Dear Mr. Gudes:

The Nuclear Regulatory Commission (NRC) recently forwarded your letter requesting comments on an administrative appeal that the Millennium Pipeline Company brought before the Secretary of Commerce under the Coastal Zone Management Act. The appeal results from the New York Department of State's objection to Millennium's consistency certification for permits requested from the U.S. Army Corps of Engineers and the Federal Energy Regulatory Commission (FERC) to construct and operate a proposed natural gas pipeline. This pipeline apparently has the potential to affect natural resources or land and water uses of New York's coastal zone.

Acting principally under the Stafford Act (42 U.S.C. 5121 through 5206) and Executive Order 12657, the Federal Emergency Management Agency (FEMA) is responsible for ensuring that plans and procedures to respond to radiological emergencies are in place in communities surrounding commercial nuclear power plants. In the present case we are concerned about evacuation routes in Westchester County in case of a radiological emergency at the Indian Point Nuclear Power Stations (Indian Point).

Our Region II staff in New York is working with the New York State Emergency Management Office, Westchester County staff and local officials from the Village of Croton-on-Hudson to determine the impact that proposed construction of the Millennium pipeline would have on one of the primary evacuation routes. Any changes that might cut off or reduce the capacity of the evacuation routes is of concern to FEMA and to those people living within the 10-mile Emergency Planning Zone of Indian Point.

In January 2001 we forwarded the State and local governments' concerns to FERC. These include four issues that would affect the evaluation of the Millennium Pipeline Project related to the Indian Point evacuation routes. The issues are:

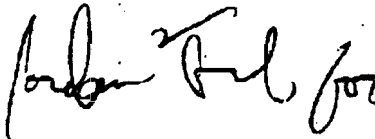
- (1) a need for detailed construction drawings that include road, lane and ramp closures and associated times related to those closures;
- (2) a contingency plan that addresses notification, communications, staff training and resources to implement the plan;
- (3) a corporate commitment to support the plan; and
- (4) a level of effectiveness review by traffic engineers for alternate routes identified in the contingency plan.

FERC has since completed the final environmental impact statement, and issued orders approving construction and operation of the Millennium Project. That approval, we understand, includes a new spur from the Bowline power plant across the Hudson River at Haverstraw Bay to a point approximately two miles south of Indian Point. We also understand that Millennium has abandoned the originally proposed route southward along Route 9/9A. The proposed new route would cross Route 9/9A, proceed to the Taconic Parkway and then south to a terminus in Mt. Vernon, NY.

Subject to more detailed review than we have had an opportunity to perform due to a lack of specific information, the proposed new route might resolve a number of our concerns about the originally proposed route along Route 9/9A, which is a major evacuation route. However, the construction would cross Route 9/9A and other roads, entailing at least some curtailment or reduction in their capacity during construction. This is an important matter that we must take up directly with FERC to ensure that mitigating measures can be taken during construction to keep Route 9/9A open as an evacuation route and to ensure that other routes are not adversely affected.

We appreciate the opportunity to comment on the appeal. Please contact Mr. Craig Conklin at (202) 646-3030, or craig.conklin@fema.gov, if we can be of any further service to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark D. Wallace".

Mark D. Wallace
General Counsel